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EXAMINER
SHAW, PELING ANDY

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2144	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/021,535	ANUSZCZYK ET AL.
	Examiner	Art Unit
	Peling A. Shaw	2144

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 October 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>2-18,22-24,30,32,33 and 35-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>2-18, 22-24, 30, 32-33 and 35-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Applicant's amendment received on 10/24/2007 has been entered. Claims 5-10, 13-18,

22-24, 30, 32,-33 and 35-40 are amended. Claims 19-21, 25-29 and 34 are cancelled. Claims 2-

18, 22-24, 30, 32-33 and 35-40 are currently pending.

2.   Applicant's submission filed on 05/08/2007 was entered. Claims 2-10, 12-20, 23-25, 30

and 32-40 were amended.

3.   Amendment received on 12/04/2006 was entered into record. No claim was amended.

4.   Applicant's submission filed on 03/15/2006 was entered. Claims 2, 4-5, 11-12, 14-15, 30

and 40 were amended. Claims 1, 31 and 41-44 were cancelled.

5.   Amendment received on 06/29/2005 was entered. Claims 1, 5, 14-15, 30, 40-41 and 43-

44 were amended. Claims 1-44 are still pending.

Priority

6.   This application has no priority claim made. The filing date is 12/12/2001.

Claim Rejections - 35 USC § 112, first paragraph

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-18 and 22-24 are rejected under 35 U.S.C. 112, first paragraph, as containing

subject matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application was

filed, had possession of the claimed invention.

a. Independent claims 5 and 14-15 have been amended with the limitations of

    "...creating a plurality of component fingerprints ...", "... selecting one or more, but

    not all, of the plurality of attributes ...", "... automatically discovering ... using the

    plurality of component fingerprints ...", "...wherein each event message matches a

    respective attribute of the fingerprint ..." and "...determining that event messages

    matching every attribute of the fingerprint ..." that are not clearly specified in

    applicant's original specification or claim language. It would cause undue

    experimentation to one of ordinary skill in the art to make Applicant's invention.

    Claims 5, 14-15 and their dependent claims 2-4 and 6-12 are rejected under 35 U.S.C.

    § 112, first paragraph. For the purpose of applying art, claims 5, 14-15 and their

    dependent claims 2-4 and 6-12 are read with the consideration of the limitations.

b. Independent claim 13 has been amended with the limitations of "...and listing one or

    more, but not all, of the plurality of attributes in a fingerprint ..." and "... to

    determine that events matching every attributes listed in the fingerprint for ..." that

    are not clearly specified in applicant's original specification or claim language. It

    would cause undue experimentation to one of ordinary skill in the art to make

    Applicant's invention. Claim 13 is rejected under 35 U.S.C. § 112, first paragraph.

    For the purpose of applying art, claim 13 is read with the consideration of the

    limitation.

c. Independent claims 16 and 23-24 have been amended with the limitations of

    "...creating a fingerprint ...", "... selecting one or more, but not all, of the plurality of

    attributes ...", "...creating a subfingerprint for a refinement of the first component ...

includes one or more attributes of the refinement of the first component ...",

"...wherein each event message matches a respective attribute of the fingerprint ..."

and "...determining that event messages matching every attribute of the fingerprint

..." that are not clearly specified in applicant's original specification or claim

language. It would cause undue experimentation to one of ordinary skill in the art to

make Applicant's invention. Claims 16, 23-24, their dependent claims 17-18 and 22

are rejected under 35 U.S.C. § 112, first paragraph. For the purpose of applying art,

claims 16, 23-24, their dependent claims 17-18 and 22 are read with the consideration

of the limitations.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a
printed publication in this or a foreign country, before the invention thereof by the applicant
for a patent.

Claims 2-5 and 11-15 are rejected under 35 U.S.C. 102(a) as being anticipated by Kar et al.,

(An Architecture for Managing Application Services over Global Networks), hereinafter

referred as Kar.

   a.   Regarding claim 5, Kar disclosed a method comprising: creating a plurality of

        component fingerprints (as per applicant's line 28 on page 15 to line 3 on page 16:

        model with attributes (size of file, file name, directory structure) on a component, e.g.

        registry key, file, related components, e.g. directory structures and Fig. 9, lines 6-10

on page 30: modeling service), wherein the plurality of component fingerprints

includes a fingerprint for a first component, wherein creating the fingerprint for the

first component comprises identifying a plurality of attributes of the first component

and selecting one or more, but not all, of the plurality of attributes as the fingerprint

for the first component (page 6, right column, item 1: resource identifier; page 7, right

column, 2nd paragraph: software definition file formats with many attributes,

dependencies between components; page 2, left column, 2nd paragraph: distributed

components, resources belong to multiple monitored domains; page 8, left column,

last paragraph: application components); automatically discovering the existence of a

plurality of components in an information technology (IT) system (page 2, right

column, 2nd paragraph- page 3, left column, 1st paragraph: MLM, resource discovery

functions) using the plurality of component fingerprints, wherein the discovered

components include the first component, wherein automatically discovering the

existence of the first component (page 5, left column, last paragraph: dependency

graph is constructed and stored in dependency database based upon a static analysis

(fixed relation) performed on installation) comprises: receiving a plurality of event

messages indicating a plurality of real-time events that occur in the IT system,

wherein each event message matches a respective attribute of the fingerprint for the

first component (page 2, right column, 2nd paragraph- page 3, left column, 1st

paragraph: MLM; page 5, right column, last paragraph-page 6, left column, 1st

paragraph: Application Service Agent discovers resource through MLMs); and

determining that event messages matching every attribute of the fingerprint for the

first component have been received (page 2, right column, 2nd paragraph- page 3, left column, 1st paragraph: MLM polls and event notification to MLM; page 5, right column, last paragraph-page 6, left column, 1st paragraph: Application Service Agent discovers resource through MLMs); wherein the method further comprises: automatically determining at least one dependency between two or more of the components (page 3, right column, 3rd-5th paragraphs: Dependency Analysis for Service Management); and tracking changes to at least one of the components and the at least one dependency between two or more of the components (page 2, right column, 2nd paragraph- page 3, left column, 1st paragraph: MLM; page 5, right column, 2nd paragraph-page 6, left column, 4th paragraph: Application Service Agents, Resource Broker and Resource Directory).

b. Regarding claim 2, Kar disclosed the method of claim 5, further comprising generating a visual map of the IT system, the visual map including a depiction of at least one of the discovered components and the at least one dependency between two or more of the discovered components (Fig. 4; page 4, left column, 2nd paragraph: Dependency Graph; page 5, left column, last paragraph, and right column, last paragraph-page 6, left column, 1st paragraph).

c. Regarding claim 3, Kar disclosed the method of claim 2, wherein the visual map includes tracked changes to at least one of the discovered components (page 5, right column, last paragraph-page 6, left column, 1st paragraph).

    d. Regarding claim 4, Kar disclosed the method of claim 5, wherein at least one of the discovered components is an application (page 5, right column, 2nd paragraph-page 6, left column, 1st paragraph: Application Service Agents).

    e. Regarding claim 11, Kar disclosed the method of claim 5, wherein the at least one dependency is selected from the group consisting of shared library usage, network usage, and containment dependencies (page 3, right column, 4th-last paragraphs: DNS, NFS, IP service, PVC, network components, servers and applications).

    f. Regarding claim 12, Kar disclosed the method of claim 5, further comprising: generating a component discovered message upon the discovery of one of the components; retrieving a list of elements to track the discovered component; and using the list of elements to track changes to the discovered component (page 2, right column, 2nd paragraph, 1st-3rd bullets).

    g. Claims 13-15 are of the same scope as claim 5. These are rejected for the same reasons as for claim 5.

Kar disclosed all limitations of claims 2-5 and 11-15. Claims 2-5 and 11-15 are rejected under 35 U.S.C. 102(a).

9.   Claims 30, 32-33 and 35-40 are rejected under 35 U.S.C. 102(a) as being anticipated by Keller et al. (Dynamic Dependencies in Application Service Management), hereinafter referred as Keller.

    a. Regarding claim 30, Keller disclosed method for determining dependencies between components in an information technology (IT) system, comprising: automatically discovering a first component and a second component in the IT system, wherein

automatically discovering the first component comprises automatically discovering

that one or more elements of the first component are present in the IT system,

wherein automatically discovering the second component comprises automatically

discovering that one or more elements of the second component are present in the IT

system (page 5, right column, last paragraph: dependencies identified at application

installation time and discovered at runtime, functional dependencies between

application and service categories, the structural part captures dynamic information

related to concrete service implementation; page 6, right column, 1st and 2nd

paragraphs: MLMs, event reception and forwarding, resource discovery functions,

application operating on top of a network management platform, e.g. DNS, web

hosting and firewall); monitoring the usage of resources by the discovered first and

second components in the IT system by receiving real-time messages (page 4, left

column, 1st paragraph: compute the runtime dependencies of the Name Service,

Detailed configuration parameters of a WWW server and allow the forecast the

runtime behavior of a web server; page 5, right column, last paragraph: dependencies

identified at application installation time and discovered at runtime; page 6, right

column, 1st paragraph: MLMs, event reception and forwarding, resource discovery

functions, collected data describes, for each end-to-end application services, the

dependencies it has on lower level application and network layer services and

components); in response to receiving a first real-time message indicating that the

first component uses a particular resource, sending a first resource usage message to

an accumulator, wherein the first resource usage message indicates that the first

component uses the particular resource (page 5, right column, last paragraph-page 6, left column, 1st paragraph: event reception and forwarding, dependencies identified at application install time and those discovered at runtime, structural part captures dynamic information; page 6, right column, 3rd paragraph-page 7, left column, 1st paragraph: application service agent); in response to receiving a second real-time message indicating that the second component uses the particular resource, sending a second resource usage message to the accumulator, wherein the second resource usage message indicates that the second component uses the particular resource (page 5, right column, 5th column; page 6, right column, 3rd paragraph-page 7, left column, 1st paragraph: application service agent); the accumulator indicating that a first dependency between the first component and the second component exists in response to determining that the first and second resource usage messages indicate that the first component and the second component both use the particular resource (page 5, right column, 5th column; page 6, right column, 3rd paragraph-page 7, left column, 1st paragraph: application service agent); and determining a type of the first dependency between the first component and the second component (page 2, left column, 2nd paragraph, item 1).

b. Regarding claim 32, Keller disclosed the method of claim 30, wherein the first component is selected from the group consisting of an application, a network connection endpoint, and a server (Fig. 1; page 2, left column, 1st paragraph and 2nd paragraph, item 1; page 6, right column, 1st paragraph).

c. Regarding claim 33, Keller disclosed the method of claim 32, wherein the particular resource is a particular network port (as per applicant's specification, lines 11-22 on page 25 and as per Keller, last paragraph on the left column of page 3) wherein the first resource usage message indicates that the first component uses the particular network ports and wherein the second resource usage message indicates that the second component uses the particular network ports (Fig. 1; page 2, left column, 1st paragraph and 2nd paragraph, item 1; page 6, right column, 1st paragraph: network layer services and components).

d. Regarding claim 35, Keller disclosed the method of claim 32, wherein the partciluar resource is a particular file; wherein the first resource usage indicates that the first component uses the particular file and wherein the second resource usage message indicates that the second component uses the particular file (Fig. 1; page 2, left column, 1st paragraph and 2nd paragraph, item 1; page 3, right column: Component Type and Component Activity).

e. Regarding claim 36, Keller disclosed the method of claim 30, further comprising tracking changes to the first dependency between the first component and the second component (page 6, right column, 1st paragraph-page 7, left column, 6th paragraph: MLMs, Application Service Agent, Resource Broker and Resource Directory).

f. Regarding claim 37, Keller disclosed the method of claim 30, wherein determining the type of the fist dependency comprises determining that the first dependency is a containment dependency (Fig. 1; page 2, left column, 1st paragraph and 2nd

paragraph, item 1; page 3, right column: Component Type and Component Activity: file and file system).

g. Regarding claim 38, Keller disclosed the method of claim 30, wherein determining the type of the fist dependency comprises determining the first dependency is a network dependency (Fig. 1; page 2, left column, 1st paragraph and 2nd paragraph, item 1; page 6, right column, 1st paragraph).

h. Regarding claim 39, Keller disclosed the method of claim 30, wherein determining the type of the fist dependency comprises determining the first dependency is a shared usage dependency (Fig. 1, IP Provider and Network Provider; page 2, left column, 1st paragraph and 2nd paragraph, item 1).

i. Claim 40 is of the same scope as claim 30. It is rejected for the same reasons as for claim 30.

Keller disclosed all limitations of claims 30, 32-33 and 35-40. Claims 30, 32-33 and 35-40 are rejected under 35 U.S.C. 102(a).

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kar and further

in view of Kathrow, et al. (US 6393438 B1), hereinafter referred as Kathrow.

a. Kar shows claim 5 as above. Kar does not show explicitly (claim 6) wherein the plurality of event messages includes a first event message indicating a first real-time event selected from the following real-time events: a file creation, a file deletion, and a file modification.

b. Kathrow shows (claim 6) wherein the plurality of event messages includes a first event message indicating a first real-time event selected from the following real-time events: a file creation, a file deletion, and a file modification (column 4, lines 60-65: last modification or update date of the file) in an analogous art for the purpose of identifying the existence of differences between two files based upon the fingerprints.

c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kar's Mid-level manger to include Kathrow's functions of explicitly identifying file characteristics.

d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to incorporate functions of identifying file characteristics per Kathrow's teaching in the management of applications per Kar (page 2, left column, 2nd paragraph- page 3, left column, 1st paragraph: using mid level manager to monitor the health and status of a application service) and Kathrow (column 1, lines 36-52: using window registry to manage computer programs running under window operating system) 's teachings.

e. Regarding claim 7, Kathrow shows wherein the plurality of event messages includes a first event message indicating a first real-time event selected from the following

real-time events: a registry key creation, a registry key deletion, and a registry key

modification (column 4, line 60-coulmn 5, line 4: key and window registration).

f. Regarding claim 8, Kathrow shows wherein the plurality of event messages includes

a first event message indicating detection of a particular element of component in the

IT system (column 4, line 60-coulmn 5, line 26: window registry file, fingerprints).

g. Regarding claim 9, Kathrow shows further comprising: after discovering the

existence of the first component, receiving a subsequent event message indicating that

an element of the first component was deleted; and indicating that the firs component

has been damaged in response to the subsequent event message (Fig. 4, item 436;

column 4, line 60-65; column 11, line 62-64; column 14, line 8-15).

h. Regarding claim 10, Kathrow shows further comprising: after discovering the

existence of the first component, receiving one or more subsequent event messages

indicating that one or more elements of the first component were deleted; and

indicating that the first component has been uninstalled in response to the one or more

subsequent messages (Fig. 4, item 436; column 4, line 60-65; column 11, line 62-64;

column 14, line 8-15).

Together Kar and Kathrow disclosed all limitations of claims 6-10. Claims 6-10 are rejected

under 35 U.S.C. 103(a).

11.   Claims 16-18 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kar in view of Kathrow.

a. Kar shows (claim 16) a method comprising: creating a fingerprint for a first

component (as per applicant's line 28 on page 15 to line 3 on page 16: model with

attributes (size of file, file name, directory structure) on a component, e.g. registry key, file, related components, e.g. directory structures and Fig. 9, lines 6-10 on page 30: modeling service), wherein creating the fingerprint for the first component comprises identifying a plurality of attributes of the first component and selecting one or more, but not all, of the plurality of attributes as the fingerprint for the first component (page 6, right column, item 1: resource identifier; page 7, right column, 2nd paragraph: software definition file formats with many attributes, dependencies between components; page 2, left column, 2nd paragraph: distributed components, resources belong to multiple monitored domains; page 8, left column, last paragraph: application components); automatically discovering the first component in an information technology (IT) system, wherein automatically discovering the first component comprises (page 5, left column, last paragraph: dependency graph is constructed and stored in dependency database based upon a static analysis (fixed relation) performed on installation): receiving a plurality of event messages indicating a plurality of real-time events that occur in the IT system, wherein each event message matches a respective attribute of the fingerprint for the first component (page 2, right column, 2nd paragraph- page 3, left column, 1st paragraph: MLM; page 5, right column, last paragraph-page 6, left column, 1st paragraph: Application Service Agent discovers resource through MLMs); and determining that event messages matching every attribute of the fingerprint for the first component have been received (page 2, right column, 2nd paragraph- page 3, left column, 1st paragraph: MLM polls and event notification to MLM; page 5, right column, last paragraph-page 6, left

column, 1st paragraph: Application Service Agent discovers resource through MLMs). Kar does not show explicitly (claim 16) creating a subfingerprint for a refinement of the first component (as per applicant's specification in lines 20-30 on page 19), wherein the subfingerprint for the refinement of the first component includes one or more attributes of the refinement of the first component; wherein the method further comprises: in response to discovering the first component, performing one or more commands to obtain information regarding the first component; and automatically discovering the refinement of the first component in the IT system by matching the information regarding the first component to the one or more attributes of the refinement of the first component included in the subfingerprint for the refinement of the first component.

b. Kathrow shows (claim 16) creating a subfingerprint for a refinement of the first component (as per applicant's specification in lines 20-30 on page 19), wherein the subfingerprint for the refinement of the first component includes one or more attributes of the refinement of the first component (column 3, line 59-column 4, line 6: a file may be physically a single file or divided into multiple files, or of different version; column 10, lines 25-30: signature containing appended hash results of each block of the file); wherein the method further comprises: in response to discovering the first component, performing one or more commands to obtain information regarding the first component (column 11, line 59-62: if fingerprint are different, differences are identified); and automatically discovering the refinement of the first component in the IT system by matching the information regarding the first

component to the one or more attributes of the refinement of the first component included in the subfingerprint for the refinement of the first component (column 10, lines 29-43: specific blocks are different between the two files) in an analogous art for the purpose of identifying the existence of differences between two files based upon the fingerprints.

c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kar's Mid-level manger to include Kathrow's functions of explicitly identifying file characteristics, including file divided into multiple files.

d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to incorporate functions of identifying file characteristics, including file divided into multiple files per Kathrow's teaching in the management of applications per Kar (page 2, left column, 2nd paragraph- page 3, left column, 1st paragraph: using mid level manager to monitor the health and status of a application service) and Kathrow (column 1, lines 36-52: using window registry to manage computer programs running under window operating system) 's teachings.

e. Regarding claim 17, Kathrow shows wherein the refinement of the first component is a particular version of the first component, wherein discovering the refinement of the first component comprises discovering that the particular version of the first component exists in the IT system (column 10, line 16-20).

f. Regarding claim 18, Kathrow shows wherein the refinement of the first component is an optional piece of the first component, wherein discovering the refinement of the

first component comprises discovering that the optional piece of the first component

exists in the IT system (column 12, line 6-21).

g. Regarding claim 22, Kathrow shows wherein the plurality of event messages includes

one or more event messages indicating one or more real-time events associated with

one or more of files, registry settings, and database schemas (column 3, line 59-62).

h. Claims 23-24 are of the same scope as claim 16. These are rejected for the same

reasons as for claim 16.

Together Kar and Kathrow disclosed all limitations of claims 16-18 and 22-24. Claims 16-18

and 22-24 are rejected under 35 U.S.C. 103(a).

Response to Arguments

12.   Applicant's arguments filed on 10/24/2007 have been fully considered, but they are not persuasive.

    a. Applicant has amended the claim language substantially. Examiner has reviewed the changes in light of applicant's original specification and claim language. Examiner has further reviewed the claim rejections as per office action dated 07/24/2007 and applied prior art, i.e. Kar, Kathrow and Keller. Examiner has searched and determined that the previous applied arts are still applicable to the current claim language. The claim rejection is updated as above.

    b. Applicant has made similar arguments as per previous amendments and some new arguments. Examiner has reviewed the Response to Arguments as per office actions dated 07/24/2007, 03/08/2007, 05/30/2006 and 09/20/2005. They are still pertaining applicant's current arguments. In addition, examiner has provided additional response to current arguments in the following items.

    c. Applicant argues that Keller does not teach the limitation of "automatically discovering the components for which the dependencies are analyzed" as per 1st paragraph on page 19 of current amendment. Examiner has reviewed applicant's original specification and claim language and found (lines 3-8 on page 17), (line 30 on page 17 through line 22 on page 18) description on auto discovery based upon Window registry. (Kar: page 2, right column, 2nd paragraph- page 3, left column, 1st paragraph: MLM)

d. Applicant further argues that Keller's dependencies are statically analyzed and claim 1 recites using real-time message indicating the usage of certain resource by certain component as per 2nd paragraph on page 19 through last paragraph on page 20 of current amendment. Examiner has reviewed applicant's original specification and claim language and found (lines 1-9 on page 6), (lines 4-24 on page 16) discovering based upon real-time event-information regarding the creation of components, e.g. file or registry entry creations or deletion or (lines 3-7 on page 32), (lines 11-14) driver notification.

e. Applicant argues that Kathrow does not teach the user of a finger print for a first component to automatically discover the existence of the first component in an IT system as per 1st paragraph on page 22 of current amendment. It is the combination that provides the fingerprint as a way to identify a component. However the discover based upon the existing identification method is well-known. As Window registry does provide the fingering and others show the dependency discovering/analysis.

f. It is the Examiner's position that Applicant has not submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to claim as broadly as possible their invention, it is also the Examiner's right to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique (see item a in section 8, item a in section 9 and items a-d in section 11). Keller and

Kar are specific arts in determining dynamic dependencies among network application components. Kathrow 's art is specific art on using fingerprint to identify files/software components. Kathrow's art and Kar (and Keller)'s art are distinct however related in the generic of the computer management, i.e. network management and file/component management. The prior art of O'Neill as listed in the Remark section of office action dated 05/30/2006 and here below also related software distribution and configuration updates by using fingerprint technique. It is clear that Applicant must be able to submit claim language to distinguish over the prior arts used in the above rejection sections that discloses distinctive features of Applicant's claimed invention. It is suggested that Applicant compare the original specification and claim language with the cited prior art used in the rejection section above or the Remark section below to draw an amended claim set to further the prosecution.

g. Failure for Applicant to narrow the definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant's intent to broaden claimed invention. Examiner interprets the claim language in a scope parallel to the Applicant in the response. Examiner reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Remarks

13.　　The following pertaining arts are discovered and not used in this office action. Office

reserves the right to use these arts in later actions.

　　　a.　O'Neill (US 6832373 B2) System and method for updating and distributing

　　　　　information

Conclusion

14.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy

as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS

from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

of the mailing date of this final action and the advisory action is not mailed until after the end

of the THREE-MONTH shortened statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

15.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The

examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for

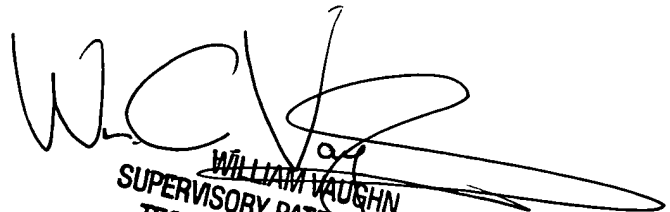the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the statu9s of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100